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January 26, 2005

The Honorable William T. Hawks
Under Secretary for Marketing and Regulatory Programs
U.S. Department of Agriculture
Country of Origin Labeling Program
Agriculture Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

**Re: Comments on Interim Final Country of Origin Labeling Regulation
for Fish and Shellfish (Docket No. LS-03-04)**

Dear Secretary Hawks:

SUPERVALU INC is pleased to respond to the U.S. Department of Agriculture's (USDA's) request for comments on the interim final regulation for country of origin labeling for fish and shellfish.

SUPERVALU INC background:

- In the grocery distribution business since 1870.
- The largest publicly held food wholesaler in the U.S. with annual sales of \$20.2 billion. (last fiscal year)
- Operates more than 1,500 retail stores in 40 states.
- Operates 24 grocery distribution centers in the U.S.
- Serves an additional 3,200 independent retail customers across the nation.

We respectfully request that you address two issues in the final rule.

First, we encourage you to **simplify the recordkeeping provision contained in the final rule.** A complete record provided by the supplier directly with the product and held at the retail level until the product is sold should serve as the only record that must be maintained by retail stores, including their corporate headquarters. A complete record would include:

- more -

1. The suppliers name and contact information.
2. A description of the "COO" covered commodity seafood or shellfish.
3. The Country of Origin and Method of Production
4. *The product lot code or other unique identifier such as pack or expiration date of the product.

*(This would allow the supplier to locate records related to the specific product identified above.)

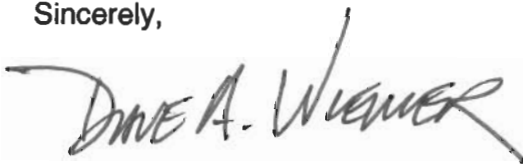
Unlike retailers and distributors, **the supplier has firsthand knowledge of the country of origin and method of production of the seafood item and, thus is the only entity that can properly validate the origin and production claims that are made.** Once the seafood is harvested, its country of origin and method of production are fixed and cannot be lawfully changed. Therefore it is not necessary for the supply chain to capture and maintain information as the product is transferred through the channel provided that a complete record directly accompanies the product. Information provided directly from the supplier to the retailer is likely to be more consistently accurate since this system will greatly reduce the chance for errors that might occur when information is recorded and transmitted by intermediaries in various "hard copy" and electronic forms.

Moreover, if the supplier provides a **complete record with each shipment**, then the USDA should have all the necessary information at hand to assess whether the claim required by the statute and made at the retail level is accurate, without having to trace the product back through each step of the supply chain. **This procedure is far more efficient and would have the additional benefit of conserving USDA and distribution resources while fulfilling the original intent of the proposed regulation.** Accordingly, we respectfully request that the USDA allow a complete supplier record to serve as the only record necessary at the retail level and remove the requirement for corporate or intermediary recordkeeping.

Second, the interim final rule becomes effective on April 4, 2005. The final rule is unlikely to be issued much before the interim final rule is scheduled to take effect. Therefore, we urge you to include a new effective date with the final rule so that we will be able to implement it in a timely and efficient manner. In particular, we urge you to **apply USDA's recently announced uniform labeling compliance date policy to the COO/MOP final rule when published.**

We thank you for your attention to our comments,

Sincerely,



David A. Wiemer
Corporate Director – Quality Assurance Services

Cc: Country of Origin Compliance Committee